

REMARKS

Claims 1-34 and 36-52 are in the application. Claims 1, 46, 49, and 52 have been amended to more clearly and distinctly claim the invention. Support for the amendments may be found in the specification on page 7, lines 21-23. No new matter is entered into the case by the amendments.

In the office action, claims 1-14, 17-20, 22-34, 36-46, 49, and 52 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,942,470 to Norman et al ("Norman"). Claims 15, 16, and 21 were objected to as being dependent upon a rejected base claim, but were said to be otherwise allowable. Claims 47, 48, 50, and 51 were said to be allowable. Applicant greatly appreciates the correct indication that claims 15, 16, 21, 47, 48, 50, and 51 are allowable.

In view of the foregoing amendments and the following remarks, the rejections are respectfully traversed. Reconsideration and allowance of the claims are respectfully requested.

In the office action, the present claims are rejected as being anticipated by Norman. However, Norman manifestly fails to present all of the elements of the current claims. Specifically, the present claims require the composition to be free of any non-metallic friction modifier other than the succinimide friction modifier. Norman teaches, discloses, and suggests the use of an amine salt of a long-chain carboxylic acid in the fluid composition. Such a component, having a polar head and a non-polar tail, would be readily recognized by one of skill in the art as a non-metallic friction modifier of the type specifically excluded from the presently claimed composition. Since Norman teaches, suggests, and discloses the use of a component that is excluded by the present claims, anticipation of the present claims by Norman is not possible.

Dependent claims 2-34 and 36-46, which depend from independent claim 1, should therefore in a condition for allowance, based on the presumed present allowability of independent claim 1.

In the previous office action, it was further stated that dependent claims 35 (original claim 36) and 38 (original claim 39) were allowable if rewritten to incorporate the independent claim and any intervening claims. In the response, as suggested by the office action, claim 1 was amended to incorporate the limitations of original claim 36, and new claim 49 was presented to include the limitations of original claims 1 and 39. However, the applicants are confused by the new office action in which the previously amended claims were still rejected. No new grounds for rejection were presented. Respectfully, the applicants request reconsideration and allowance of claims 1 and 49.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

FEES

It is the belief of the undersigned that there are no other fees associated with this filing. However, the Commissioner is hereby authorized to charge any deficiencies associated with this communication or credit any overpayment to Deposit Account No. 12-2355. Further, please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 12-2355.

The application is considered in good and proper form for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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